

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**TEVIN MITCHELL,**

Petitioner,

v.

**WARDEN, FCI TEXARKANA,**

Defendant.

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CIVIL ACTION NO. 5:22-CV-50-RWS-JBB

**ORDER**

Before the Court is Petitioner Tevin Mitchell's writ of habeas corpus. Docket No. 1. Petitioner, a federal prisoner confined at FCI Texarkana, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The case was referred to United States Magistrate Judge Boone Baxter in accordance with 28 U.S.C. § 636. The Magistrate Judge issued a Report recommending that the writ of habeas corpus be denied as time-barred. Docket No. 15. Petitioner received the Magistrate Judge's Report on August 14, 2023. Docket No. 16. No objections have been filed.

Because no objections have been received, Petitioner is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at \*1 (E.D. Tex. July 31, 2021).

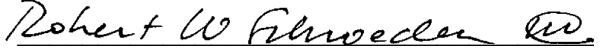
The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See*

*United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law.”). Accordingly, it is

**ORDERED** that the Report of the Magistrate Judge (Docket No. 16) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the Petitioner’s writ of habeas corpus (Docket No. 1) is **DENIED AS TIME-BARRED**.

**So ORDERED and SIGNED this 18th day of September, 2023.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE